

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Dorothy Allen, et al.,

Civil No. 08-4827 (DWF/FLN)

Plaintiffs,

v.

**MEMORANDUM
OPINION AND ORDER**

WYETH and its divisions WYETH
PHARMACEUTICALS, INC. and ESI
LEDERLE; PFIZER, INC.;
PHARMACIA & UPJOHN COMPANY;
PHARMACIA CORPORATION; BARR
LABORATORIES, INC.; MEAD JOHNSON
& COMPANY; GREENSTONE, LTD.;
and DOES 1-10, inclusive,

Defendants.

Howard B. Miller, Esq., J. Paul Sizemore, Esq., Thomas V. Girardi, Esq., Girardi Keese;
and Jeffrey R. Anderson, Esq., Jeff Anderson & Associates, counsel for Plaintiffs.

Carrie L. Hund, Esq., and Edward F. Fox, Esq., Bassford Remele, PA, counsel for Wyeth
and Wyeth Pharmaceuticals, Inc.

David P. Graham, Esq., and Stacey L. Drentlaw, Esq., Oppenheimer Wolff & Donnelly
LLP; and William Hoffman, Esq., Kaye Scholer LLP, counsel for Pfizer Inc., Pharmacia
& Upjohn Company, Pharmacia Corporation, and Greenstone, Ltd.

Jan R. McLean Bernier, Esq., and Tracy J. Van Steenburgh, Esq., Halleland Lewis Nilan
& Johnson PA, counsel for Barr Laboratories, Inc.

Frederick W. Morris, Esq., Leonard Street and Deinard, PA, counsel for Mead Johnson &
Company.

This matter is before the Court on a Motion to Remand to State Court brought by
Plaintiffs. A hearing on this motion occurred before this Court on November 7, 2008.

Also on November 7, 2008, a Conditional Transfer Order (“CTO”) was entered in this action by the Judicial Panel on Multidistrict Litigation (the “JPML”).¹ On November 24, 2008, Plaintiffs opposed the CTO. On Tuesday, December 9, 2008, the Court conducted a telephone conference with the parties to discuss the status of the pending motion in light of the CTO.

The Court concludes that in the interest of justice and in order to promote consistency with other parallel cases, the Court will stay its pending decision on the Plaintiffs’ Motion to Remand until the Panel rules on the opposition to the CTO. Should the opposition to the CTO be denied and this action transferred to the Eastern District of Arkansas to be part of the *In re Prempro Prods. Liab. Litig.* MDL, then that court will be in the best position to rule on the Plaintiffs’ Motion to Remand in a way that promotes consistency between the parties in the MDL. In reaching this conclusion, the Court considered the potential inconvenience to the individual Plaintiffs in this action. The Court, however, finds that any inconvenience to Plaintiffs will be minimal and is outweighed by the greater interest in promoting consistency and predictability in the entire litigation should this case be transferred.²

Accordingly, **IT IS HEREBY ORDERED** that:

¹ There is a Multidistrict Litigation proceeding in the United States District Court for the Eastern District of Arkansas that includes more than 5,000 actions arising from the treatment of women with hormone-replacement therapy drugs. *See In re Prempro Prods. Liab. Litig.*, 254 F. Supp. 2d 1366 (J.P.M.L. 2003).

² The Court also notes that Plaintiffs chose to consolidate their individual cases into a single action.

1. The Court will stay its pending decision on Plaintiffs' Motion to Remand to State Court (Doc. No. 4.) pending a decision by the JPML on the CTO.

Dated: December 17, 2008

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court